

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing Nos. 19,206
) & 19,210
Appeal of)

INTRODUCTION

The petitioners appeal decisions of the Department of Children and Families Economic Services (DCF) finding them ineligible for Vermont Health Access Program (VHAP) benefits. The issue is whether the petitioners' income exceeds the program maximum.

FINDINGS OF FACT

1. The petitioners do not dispute that presently they are a two-person household with gross income of \$2,289 a month from employment and the husband's disability benefits. Following their re-applications for VHAP in June 2004 the Department notified them that they were ineligible due to excess income effective July 31, 2004.

2. The petitioners do not dispute any of the figures used by the Department. They need insurance coverage because they have medical conditions that require costly medical care and prescription medications. The petitioners feel they

should be allowed a deduction from their income to reflect their high medical expenses.

ORDER

The decision of the Department is affirmed.

REASONS

Under the VHAP regulations, all earned and unearned income is included as countable income for eligibility. W.A.M. 4001.81(c). For employees without children the only deduction allowed is a \$90 standard deduction. Each of the petitioners, who both work part-time, received the standard deduction. Unfortunately for individuals in the petitioners' position, there are no deductions for medical expenses in the VHAP program (although the Board has often noted what it considers to be the glaring unfairness of this feature).

There is no dispute that the petitioners have countable income in excess of the maximum for eligibility under the VHAP program for a two-person household, which is \$1,562 a month. P-2420 B. If applicants have income above this amount, they cannot be found eligible for that program. W.A.M. 4001.83 and 4001.84. As the Department's decision is in accord with its regulation, the Board is bound to uphold the decision. 3 V.S.A. 3091(d), Fair Hearing Rule 17.

The husband indicated at the hearing (held on September 10, 2004) that he intends to apply for Medicaid under the working disabled program. His wife indicated that she is in the process of applying for disability benefits and may also eventually qualify for Medicaid as working disabled. At the hearing it was explained to the petitioners that if their income should decrease, even voluntarily, they can reapply for VHAP. They were also advised of their separate rights to appeal any subsequent decisions by the Department regarding their eligibility for any health benefit program.

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